

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BLUE CROSS AND BLUE SHIELD
ASSOCIATION NATIONAL EMPLOYEE
BENEFITS COMMITTEE,

Plaintiff,

v.

ALLIANZ GLOBAL INVESTORS U.S. LLC and
AON INVESTMENTS USA INC. f/k/a AON
HEWITT INVESTMENT CONSULTING, INC.,

Defendants.

Case No. 20-cv-07606 (KPF)

**STIPULATION AND ORDER REGARDING
WAIVER OF SERVICE AND TIME TO RESPOND TO THE COMPLAINT**

Plaintiff Blue Cross and Blue Shield Association National Employee Benefits Committee (“Plaintiff”), defendant Allianz Global Investors U.S. LLC, and defendant Aon Investments USA Inc. (collectively, “Defendants”), by and through their respective undersigned counsel, and subject to this Court’s approval and to the reservation of rights contained below, agree and stipulate as follows:

WHEREAS, on September 16, 2020, Plaintiff filed its Complaint (ECF No. 1, “Complaint”) in the above-captioned action (“Action”), and on September 17, 2020 the Clerk of the Court issued summonses directed to Defendants (ECF Nos. 7 and 8, each a “Summons”);

WHEREAS, Defendants have not been served with process in the Action and have agreed to waive service of the Summons and Complaint, subject to the terms and conditions stipulated below; and

WHEREAS, on September 11, 2020, this Court, in related action *Arkansas Teacher Retirement System v. Allianz Global Investors U.S. LLC, et al.*, No. 20-cv-05615-KPF (“ATRS Action”), entered an order (ATRS Action, ECF No. 52 (“Adjournment Order”)) (i) adjourning

Defendant Allianz Global Investors U.S. LLC's time to move against the complaint in the ATRS Action until after the initial pretrial conference scheduled for November 17, 2020 (*see* ATRS Action, ECF No. 47); and (ii) directing that it is the Court's "intention to coordinate motion practice and discovery in as many of these [related actions] as possible, to the greatest extent possible" (Adjournment Order at 2).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff and Defendants, through their respective undersigned counsel, as follows:

1. Subject to the provisions set forth in paragraph 2 below and the reservation of rights in paragraph 3 below, Defendants waive service of the Summons and Complaint, and waive any objections to the absence of a summons or of service in the Action. The filing of this Stipulation shall be deemed the filing of a waiver under Fed. R. Civ. P. 4(d)(4). Accordingly, Plaintiff is not required to file proof of service, and the Federal Rules of Civil Procedure shall apply as though a summons and a complaint had been served on the Defendants identified in this paragraph 1 at the time of the filing of this Stipulation.

2. The time for Defendants to move against, answer, or otherwise respond to the Complaint is adjourned as though the Adjournment Order were entered in this Action and until such time set by the Court.

3. Except as to the defenses of insufficiency of process and insufficiency of service of process only, which Defendants expressly waive, none of Defendants' defenses, objections, motions or arguments of any kind in the Action, including but not limited to defenses based upon lack of personal or subject matter jurisdiction, lack of standing, improper venue, or a Defendant having been improperly named, is prejudiced or waived by the execution of, agreement to, or filing

of this Stipulation, or by the agreement by Defendants to waive service, as set forth in paragraph 1 above.

4. This Stipulation may be executed in separate counterparts, and counterparts may be executed in facsimile or .pdf form, each of which shall be deemed an original. This Stipulation, once fully executed, may be submitted to the Court without further notice to any party.

Dated: September 22, 2020
New York, NY

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Counsel for Defendant Aon Investments USA Inc.

IT IS SO ORDERED at New York, New York on this 23 day of September, 2020

SO ORDERED:

A handwritten signature in blue ink, reading "Katherine Polk Failla".

Katherine Polk Failla
United States District Judge

Counsel for AON Investments USA Inc. is directed to file a notice of appearance in this action promptly.